

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
FAYETTEVILLE DIVISION**

**In Re: Tommy F. Brixey  
d/b/a T & S Farm  
Debtor(s)**

**Case No.: 09-05716-8-RDD**

**Address: 3671 Meadow Road  
Lumberton, NC 28358**

**Chapter: 12**

**PETITION TO APPOINT ATTORNEY**

TO: THE HONORABLE BANKRUPTCY JUDGE

The undersigned Trustee in Bankruptcy, Richard M. Stearns, duly qualified and acting, hereby petitions the Court for an Order allowing the Trustee to appoint an attorney for the estate herein; and, in support of said petition and application, shows unto the Court as follows:

1. That he is the duly appointed and qualified Trustee in the above estate, and as such Trustee, it shall be necessary for your petitioner to employ an attorney in the performance of the duties imposed upon said Trustee. It will be necessary for your petitioner to have an attorney to assist, to act and to advise in liquidating the estate and in defending any actions that may be brought by the various creditors of said estate.

2. That your petitioner wishes to obtain Richard M. Stearns, Attorney at Law, of Kinston, North Carolina, who is qualified in such matters, to represent him in the management, and handle such services and advise. To the best of your petitioner's knowledge, information and belief, the said Richard M. Stearns has no connection with the alleged debtor(s), their creditors or any other party in interest or any attorney of them and the hiring of his services is in the best interest of the estate.

WHEREFORE, your petitioner prays that the Court enter an Order authorizing him to employ Richard M. Stearns as his attorney, to act and advise him and represent the Trustee in this case.

This 16<sup>th</sup> day of July, 2009.

/s/ Richard M. Stearns  
RICHARD M. STEARNS, Trustee

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**Case No.:**       **09-05716-8-RDD**

**Address:**       **3671 Meadow Road**  
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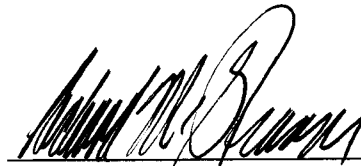
**Chapter:**       **12**

**AFFIDAVIT**

RICHARD M. STEARNS, being first duly sworn, deposes and says in connection with the attached trustee's application for authority to employ attorney:

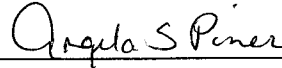
1. I am presently serving as trustee in the above bankruptcy estate.
2. I do not hold or represent any interest adverse to the bankruptcy estate, I am a disinterested person as contemplated under Section 327(a) of the Bankruptcy Code, and it will be in the best interest of the estate that I, as trustee, serve as attorney for the estate in my own behalf.
3. I have no business, professional or other connection with the debtors, creditors, or any other party in interest, their respective attorneys or accountants.

Dated: July 16, 2009

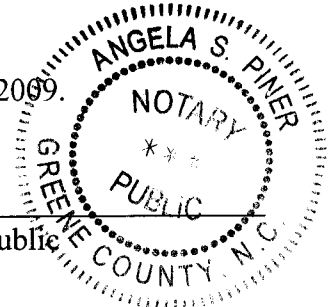


Richard M. Stearns

Sworn to and subscribed before me this 16<sup>th</sup> day of July, 2009.



Notary Public



My Commission Expires:

My Commission Expires 6/20/2011